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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,196	07/07/2003	Thomas G. Bell III	1091-007/JRD	9662

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IPSOLON LLP
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PORTLAND, OR 97205

EXAMINER

WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,196

Applicant(s)

BELL, THOMAS G.

Examiner

Sue A. Weaver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-25, 27-37 and 39-45 is/are rejected.
- 7) ☒ Claim(s) 22, 26 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps as claimed in claims 41-45 must be shown or the feature(s) canceled from the claim(s). Method steps are conventionally reflected with a flow diagram. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

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Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 3-5, 7, 10, 24, 25, 29, 33-36 and 41-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant is advised that there doesn't appear to be sufficient structure set forth in claims 2, 9, 23, 28, 33 and 41 for the tab portion of the pull to be "detachably secured" as claimed in claims 2-4, 10, 24, 29, 34 and 41. It is suggested that applicant consider setting forth such structure using the conventional "means plus function" practice.

Claim 7 recites the limitation "said engaging structures" in lines 2 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said article of apparel" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "said article of footwear" in line 1. There is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al.

Note the slide fastener 3 with a slide at 4. Member 5 defines the elongate pull attached at one end at an end off the slide fastener while a portion is secured to the

slide and the other end is attached to the bag at 6'. Because the elongate pull is knotted it is considered to be detachably secured, insofar as applicant has set forth any particular structure. Note that figure 10 clearly shows the function as a handle.

4. Claims 1, 2, 6, 8, 12-14, 23, 27, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krupp.

Krupp teaches a bag with a slide fastener 15 as a closure having a slide 13. Member 29 defines an elongate pull with one end attached to the bag at 18 and the other end being attached near the other end 26a to the slide. The member acts as a handle to operate the slide to open and close the slide fastener as claimed. Note that the pull is vertical, depending on one's orientation, as shown. Being a handbag member 10 is considered to define an article of luggage as claimed.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 14 above, and further in view of Droeger.

To have added shoulder straps to the bag so that it forms a backpack would have been obvious in view of such teaching by Droeger at 14.

6. Claim 16-18, 20, 21, 28, 30, 31, 33, 35, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of L'Hollier '657.

To have used the slide fastener with a pull on an article of apparel such as footwear so that the pull functions as a handle to open and close the slide fastener with gloves would have been obvious in view of such teaching by L'Hollier.

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7. Claims 3-5, 24, 25, 29 and 34, insofar as they are definite rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claims 2, 23 and 38 above, and further in view of Trader.

To have provided the pull with means to detachably secure it to the article would have been obvious in view of such teaching by Trader.

8. Claims 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 16 and 28 above, and further in view of Goostrad.

To have simply provided the slid fastener with the pull on a pocket in an article of apparel would have been obvious in view of such teaching by Goostrad.

9. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welteroth in view of Walters.

Welteroth teaches a slide fastener which is operated by an elongated pull 3, substantially as claimed. Although there is no particular suggestion of detachably securing an end of the pull to an article, Walters teaches the provision of such construction at 16 and 26. Therefore to have provided the article and pull with such construction which permits the slide to be secure in the closed position would have been obvious in view of Walters. The function is inherent in the structure.

10. Claims 11, 39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1, 37 and 41 above, and further in view of Knoess.

To have merely added ornamentation to the pull in the manner taught by Knoess would have been most obvious to one having ordinary skill in the art.

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 41 above, and further in view of L'Hollier.

To have operated the pull while wearing gloves would have been obvious in view of L'Hollier.

12. Claims 22, 26 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sailer and Kerrigan show shoes with zippers in the uppers. Brewer shows another bag with a zipper and shoulder straps. Buff et al, L'Hollier '224, Konelsky, Yokota, Wilcox et al and Poelman show other attachment to slide fasteners. Forrester shows a shoe with the slide fastener covered by a continuation of the upper. Patton et al shows a zipper pull detachably secured with a snap fastener. Schnoor et al show a zipper pull on a garment.

14. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

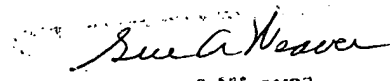
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is 571 272-4548. The examiner can normally be reached on Tuesday-Friday.

— The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW


Sue A. Weaver
Primary Examiner